

City of Carlsbad
Citizens' Committee to Study the Flower Fields and Strawberry Fields Area
Summary Notes of Meeting #2
May 30, 2006, 9 a.m. to 12 p.m.,
City of Carlsbad, 1635 Faraday Avenue, Room 173B

Present:

Committee members: (*non-voting members)

<i>Pete Aadland</i>	<i>Courtney Heineman*</i>	<i>Robert Morgan</i>
<i>Jill Agosti</i>	<i>Gary Hill</i>	<i>Eric Munoz (chair)</i>
<i>Chris Calkins*</i>	<i>Mark Johnson</i>	<i>Peder Norby</i>
<i>Nancy Calverley*</i>	<i>Pat Kurth</i>	<i>Laura Means Pope</i>
<i>Claudia Carrillo*</i>	<i>Keith Lewinger</i>	<i>Marvin Sippel*</i>
<i>Bill Dominguez</i>	<i>Cary Manning</i>	<i>Seth Schulberg</i>
<i>Farrah Douglas</i>	<i>Kip McBane (vice-chair)</i>	<i>Daniel Swiger</i>
<i>Bob Garcin</i>	<i>Gina McBride</i>	<i>Heidi Willes</i>

Absent:

Jennifer Benner
Marvin Cap
Vern Farrow
Len Martyns
Leslea Meyerhoff
Mark Winkler

City of Carlsbad Staff:

Gary Barberio – Principal Planner
Karen Chen – Management Analyst.
Cynthia Haas – Economic and Real Estate Manager
Sandra Holder – Community Development Director
Michael Holzmiller – Former City Planning Director, Consultant to City
Bob Johnson – Deputy City Engineer, Transportation
Jane Mobaldi – Assistant City Attorney
Mark Steyaert – Park Development Manager

11 public and 3 press

Facilitators from National Conflict Resolution Center:

Robin Seigle
Barbara Filner
Christina Simokat, assistant

I. Welcome -- new members introduced (name, occupation, one sentence re: their interest in being on this committee.

Heidi Willes
Laura Pope
Marvin Sippel

Their interests in participating in this process:

- Loves Carlsbad and wants to be involved
- Loves Carlsbad
- Interested in this issue

Chair, Eric Munoz noted that the roles of the committee chair and vice chair are outlined in the handout provided today for the workbook. Nos. 4, 5 & 6, (Ensuring that every member of the committee has an opportunity to ask questions and express opinions without any one person dominating; keeping the meeting focused; and enforcing reasonable rules relating to debate, order and decorum within the Committee) will be handled by the facilitators.

Facilitator Robin Seigle reviewed the Meeting Ground Rules discussed at the first meeting. Everyone agreed to them.

II. Public Comments

➤ *none*

III. Background – Michael Holzmiller and Gary Barberio (Powerpoint presentation notes and a handout of exhibits prepared for this background presentation made available to meeting participants.)

○ **Site 1 – The Flower Fields, Barberio** (53.4 acres)

Question: Could you explain the difference between the different plans that affect this area?

Answer: There is a glossary of terms in the workbook.

General Plan: land use “bible” for the City of Carlsbad

Local Coastal Program: covers lands within the coastal zone, jurisdiction of California Coastal Commission, primarily concerned with continuation of agriculture, public access, protection of environmental resources

Specific Plan: a zoning document for specific development projects that fine tunes and implements the General Plan and Local Coastal Program

Q: Has the landowner of the Flower Fields asked for any changes to or modifications of the property’s current land use?

A: No. The City has the first right of refusal to purchase this property.

Q: Is the Flower Fields land for sale?

A: (Calkins) No.

Q: Where has there been development for which mitigation monies have been paid?

A: Looking at the development summary of the area surrounding the Flower Fields, the whole area is almost built out. Only a few areas left that have not been or are not in the process of being developed.

Q: “Where is development still possible?”

A: Development potential exists for #3 and #5

Q: Are landowners involved in the process when there are plan changes, that is, have they participated in the designations of their property?

A: Yes.

Q: Are all the current owners content with current zoning designations?

A: There are no current requests for changes to designations.

Q: What is the Williamson Act?

A: It’s a law that allows a landowner to enroll property and receive a tax benefit for keeping the property in agriculture. The landowner can take the property out of the Act at any point and pay a penalty. The only land this could apply to is the Flower Fields, but this doesn’t apply any longer. The Williamson Act is not relevant to the issues this Committee is considering as none of the lands are currently under Williamson Act contract.

○ **Site 2 and 3 – Carlsbad Ranch Planning Area 8A (45.3 acres) and 8B (26.45 acres), Barberio**

Q: Golf is allowed on these sites. Can it be used for other sports, such as a ball field?

A: There are some permitted secondary uses, mostly agricultural and public recreation related, but then amendments to the Plan would be necessary.

Q: Could a golf “clubhouse” or “golf school” be built here also? It’s not just for a golf course, is it?

A: It says “golf- related uses” and it allows as secondary use: agriculture, public parks, trails, public restrooms, public playground, public parking area (refer to workbook).

A: Zoning document 3 D will give all the uses for this area.

Q: Was it zoned for golf based on one group’s intent to build a hotel? How did one property owner get their specific plan into the land use document?.

A: The whole specific plan went through a public process based on the best information at the time. Since adoption the golf developer has backed out. Golf is considered a type of “open space” according to the General Plan and Zoning Ordinance. Open space can be active, such as for sports, or passive, such as preserved habitat.

Q: Does the City have first rights refusal on this property as well as the Flower Fields?

A: No, just the Flower Fields.

Q: Did The Pointe Resorts ever own these properties?

A: No, Caritas did. The specific plan was shaped during a recession. It is currently owned by Carlsbad Ranch.

Q: Is there a City of Carlsbad policy covering eminent domain?

A: No.

Q: Were the cart paths installed under Cannon Road based on the City's commitment to this golf project?

A: Yes. Two under Cannon Road and one under Legoland Drive.

Q: Was the golf course usage looked at when the development changed from its original plan?

A: The hotel/timeshare project was allowed to move forward without the golf course. At the time of the current hotel being approved, there was a change to the specific plan text but no change to 8A and 8B.

Q: Since we seem to have decided that a golf course wouldn't be the best use of that land, will a new specific plan open up that land to any development? Would there be any restrictions?

A: The City has not stated that a golf course is not the highest and best use for this land. It is doubtful that a golf course will be built there. If there are any land use changes they would require amendments to the plan to eliminate the specific requirements for golf and along with General Plan and Local Coastal Program changes. Agriculture is allowed in an Open Space designated area.

○ **Site 4 – SDG&E Property (256 acres), Holzmillner**

The City of Carlsbad included the 48 acre area which is not Open Space in its redevelopment area so that the new property taxes generated by development on previously vacant land would go back to the City rather than the state.

Hub Park area (91 acres) is leased out to the City of Carlsbad for future recreational/community park use.

There are some areas of overlap of development constraints.

Note that in some places there is reference to "45 acres" but that is not accurate. It is a 48 acre parcel which is zoned for "Travel Service" in the Local Coastal Program.

As part of the Agua Hedionda Segment Land Use Plan approval, an agreement with the property owner was negotiated to allow development on the 48 acres in exchange for open space designation for the rest of the land.

There are 2 phases to the Local Coastal Plan – the Land Use Plan and the Implementation Plan. The implementation phase of the Agua Hedionda Local Coastal Plan has not yet happened, which means that the City of Carlsbad doesn't yet have permit authority. The City of Carlsbad hasn't yet realigned its General Plan and Zoning with the agreed upon Local Coastal Plan Land Use Plan. Until that occurs, the Coastal Commission retains permit authority.

Exhibit 9 of the handout, limitations 2,3 a & b explain why the zoning has not changed yet.

SDG&E can apply to get out of agricultural use and its restrictions under the Agriculture Mitigation Fee program.

Q: How much of this site was the subject of the Lennar option (refer to workbook)?

A: The entire site including the 48 acres and Hub Park. All of sites 2, 3 and 4.

Q: What is the cost of the Hub Park lease?

A: One half of the property taxes paid by the property owner, not to exceed \$14,000 annually.

Q: Is that land now leased out to someone who's growing?

A: The lease was given to the City for Hub Park as part of the trade off for the Encina Power Plant under condition that tenant farmer could stay. SDG&E has been leasing the property to a farmer since the 1970's.

Q: Why does SDG&E want to develop it when SDG&E works in public utilities, not development?

A: SDG&E will not be developing the property but had entered into a sale option with a developer.

Q: SDG&E will have to pay agricultural mitigation fees?

A: SDG&E will have to pay an agricultural mitigation fee if the property is developed beyond the 48 acres, which can be developed.

Q: What was the background of some of the other big developments that included Open Space in Carlsbad over the last 20 to 30 years, such as Kelly Ranch?

A: The percentage of Open Space that the City required was designated as specific plans came in for review. The City's growth management plan requires 15% of each LFMP area to be more open space. All of the sites we are discussing are designated Open Space in the General Plan, Coastal Plan and Zoning.

Q: Clarification about the lease for Hub Park?

A: The City doesn't have to pay anything on the lease until plans for the park are completed and permits to build are secured. The lease began in 1975 and expires in 2074. Farming can continue on the property until the park is proposed for development. The City must give a 1 year notice to the grower.

Q: What is the status of the small, square parcel in the middle of the SDG&E property?

A: Historically there was a reservoir there, which belonged to the Ecke Family and is still owned by a family member.

Q: There are 256 acres. How many acres are left after you take away the 48 acres of allowed development, and 91 acres for Hub Park?

A: Probably about 110 acres, including the park and development land. Under Open Space requirements, agriculture, public recreation, park, trails, private recreational use such as ball fields are all possible. If there is an alternate use, Hub Park would be a part of it. If it went for residential use, less than 110 acres could be used because of the power lines, habitat protection and Hub Park.

Q: Will the City be discussing the density requirements for this area?

A: No. But there is an exhibit in the workbook outlining the current Proposition E residential caps for each quadrant.

Q: Please review the inconsistencies and unusual circumstances of these particular properties.

A: All the plans (General Plan, Local Coastal Plan, zoning ordinances, Specific and Master Plans) are supposed to be consistent. This is an interim situation because of the 2 phased Coastal plan. First, the Land Use Plan is adopted and then the Implementation Plan. When the City began to start the implementation, SDG&E asked to be excluded from the implementation phase as it intended to sell the power plant. The City agreed to the request so all the other Implementation Plans for all other LCP segments were completed, but not this one. It still needs to be done.

Q: What structures are allowed under an Open Space designation?

A: Open Space can be used for structures that relate to recreational use, such as a gymnasium, or public facilities like a sewer or water distribution station. But such public facilities require a conditional use permit and require a public hearing.

Q: Is a city hall or civic center an example of that?

A: Yes, with a conditional use permit.

Q: What would SDG&E like to do with the property?

A: (Carrillo) SDG&E would like to sell it and have the flexibility to work with various developers. We don't have any specific plans. We just want to work with the City and retain our rights.

Q: Does the Public Utilities Commission restrict how much land a utility can own?

A: (Carrillo) I don't know the answer to that.

○ **Changes to Open Space, Holzmilller**

About 40% of the City of Carlsbad is supposed to remain in Open Space. Changes can be made to the location of Open Space, so long as there is no "net loss." Changes must be for an equal or greater area, of equal or greater quality, contiguous or close proximity, AND if impact to sensitive resource area: 2:1 mitigation ratio. It is difficult to take land out of the Open Space designation.

○ **Existing City Policies Regarding Agriculture, Holzmilller** (see Exhibits 4(D) and (E) in Citizens Committee Workbook)

- To permit, promote and support agriculture in the City for as long as it remains economically viable.
- Allow the conversion of agriculture to another land use consistent with the General Plan when it is no longer economically feasible to continue farming a property
- For designated agricultural properties in the Coastal Zone, allow the conversion upon payment of a mitigation fee

The Flower Fields are a special situation and the City has taken further measures to retain that area.

○ **Agricultural Mitigation Fee, Holzmilller**

An example: when Legoland and the GIA were developed from agricultural land, the fees paid were used to help promote the Flower Fields.

Q: Does the City prohibit the conversion of agricultural land while agricultural is still feasible? Who decides if the property is "no longer economically feasible to continue farming"?

A: For areas in the coastal zone, there are 3 options: an agricultural property owner can choose to preserve land elsewhere in California, but that has never happened in the City. A property owner must prove infeasibility, and that has never happened in the City, and the City believes this would be difficult to prove. So the property owners that have converted have chosen to pay the agricultural mitigation fee, such as with Legoland.

Q: If they pay the fee, it doesn't change the zoning from open space, correct?

A: That's correct. The City of Carlsbad doesn't have a permanent agricultural land use zone, it is considered temporary. The City can't force a property owner to continue farming.

Q: How much of the \$6 million collected for agricultural mitigation fees has been spent, and what was the largest expenditure?

A: Previously, all mitigation money was going to the state, and the state spent some. Finally the City requested the City program money be returned about 5 years ago. None has been allocated yet. There is a technical advisory committee determining how the money should be spent. Promotion of agriculture isn't listed as a use in the State program. The State has used approximately 50% of the money it collected for environmental projects such as Batiquitos Lagoon and beach access stairways.

IV. Presentation by Eric Larson, Executive Director, San Diego County Farm Bureau

There is a long history of agriculture in Carlsbad. Originally there were a number of crops including potatoes, celery, avocados, roses, geraniums and also poultry. Much of the original agricultural land is no longer being used for agriculture.

All of the current coastal agriculture land farmers, except in Encinitas, do not own the land. They are tenant farmers.

The Flower Fields collect money from selling cut flowers, bulbs, and fees to visitors of the property.

The "Strawberry Fields" in Carlsbad have a longer and earlier season than other areas that grow strawberries and grow a larger premium berry.

Some issues that might affect the continuation of these agricultural businesses:

1. Immigration reform -- Without a guest worker program, we expect to lose 40% of agriculture here and that would probably be similar throughout the US.
2. Farmworker housing – This issue is not solved. Housing costs are too high. Carlsbad has failed to provide adequate affordable housing.
3. Maintaining the niche markets for strawberries and flowers.
4. Methyl bromide is a chemical which is applied to the flower and strawberry fields once a year to kill insects, weeds, and otherwise prepare the land for planting. It depletes ozone and has been banned. The ranunculus probably could not be grown without it. They have to apply for a "critical need exception" every year in order to continue using it, and there is not a replacement on the horizon. The Strawberry Fields will attempt to grow using organic fertilizer if they are not allowed to use methyl bromide.
5. Family generational changes –These are family farms and as the generations change it is uncertain if the farms will continue within the family.

Q: Does this mean that there is no longer "economic viability" to agriculture?

A: If it wasn't viable, it wouldn't be there.

If farmers own the land, it creates greater stability for the farms. Farms are difficult to sell and tend to be family owned businesses.

Q: Why is agriculture different in Encinitas, why does it work better there?

A: Encinitas has farmer owned greenhouses, rather than field agriculture, which has suffered from competition with Mexico.

Q: So the agriculture here in Carlsbad is very specialized?

A: Yes.

Q: Could the property owners give us a ballpark idea of the rent charged to the farmers?

A: *(no answer)*

Wrap up

- The Chair requested more information from staff on certain topics: open space uses, and the coastal agricultural overlay zone.
- The newspapers had previously claimed some committee members were not voting residents of Carlsbad. The members explained that they were indeed voting residents of Carlsbad.
- Resume from attorney, James Lough, was distributed. He was hired as outside counsel to the City. He will be available to discuss the legal impacts of the initiatives at a future meeting.
- Request to increase the amount of time for presenters to 1 hour plus questions. Chair agreed to discuss this with staff. It was discussed briefly by the committee and the general sentiment seemed to be against increasing the time allotted.
- Request for notification for future agendas for presentations.
- Q: Who was invited to make the presentation for each of the initiatives at the next meeting?
A: Ron Alvarez, Nancy Calverley, and Mayor Lewis.
- Q: Will the issue of the impact of the freeway widening ever be discussed?
A: (Bob Johnson) We could present on that topic.
The presentation was requested by the Chair.

Next Meeting: Tuesday, June 6th 9 a.m.

Notes prepared by NCRC staff